



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. 14

DICKE, BILLIG & CZAJA, P.L.L.C.  
FIFTH STREET TOWERS  
100 SOUTH FIFTH STREET, SUITE 2250  
MINNEAPOLIS MN 55402

**COPY MAILED**

**AUG 09 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Maxine C. Thome and Scott P. Thome	:	
Application No. 09/929,827	:	DECISION ON RENEWED PETITION
Filed: August 14, 2001	:	
Attorney Docket No. P147.102.101	:	
Title: LIGHT GUARD	:	

This is a decision on the renewed petition under 37 C.F.R. §1.78(a)(6), filed March 23, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

On August 14, 2001, the above-identified application was filed without a proper reference to the prior provisional application. Petitioner now wishes to claim benefit of application number 60/225,353, filed August 15, 2000.

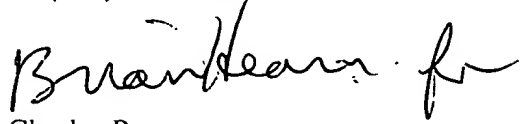
The original petition, submitted on June 2, 2003, was dismissed via the mailing of a decision on March 10, 2004. Petitioner submitted an amendment which improperly attempted to insert an incorporation-by-reference, which is prohibited by 1268 OG 89, 35 U.S.C. §132(a), and Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Since the amendment contained an incorporation-by-reference statement that was submitted subsequent to the filing of the application, the original petition was dismissed.

On renewed petition, Petitioner has submitted an acceptable amendment which claims benefit to the priority application but does not contain an improper incorporation by reference.

As such, the renewed petition is **GRANTED**.

After the mailing of this decision, the application will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (703) 305-0011.

A handwritten signature in cursive script, appearing to read "Charles Pearson" followed by a flourish.

Charles Pearson  
Director of the Office of Petitions  
Office of Petitions  
United States Patent and Trademark Office